REMARKS/ARGUMENTS

Responsive to the Office Action mailed January 12, 2006:

I.   PRIOR ART MATTERS

      A.   <u>The Office Action rejected claims 1-31 under 35 USC 103(a) as being unpatentable over Dye in view of Compton. Applicant respectfully traverses the rejection.</u>

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.[1] If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of non-obviousness.[2]

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found <u>in the prior art, and not based on applicant's disclosure.</u>[3]

Applicant respectfully traverses the § 103 rejection because the office action has not established a *prima facie* case of obviousness.

The references do not teach or suggest all the claim limitations.

The Office Action uses the primary reference (Dye) as allegedly showing, as to claim 1, the steps of: at a remote location, reading the source and prompting the user for tracks to be compressed, the user then identifying selected tracks; prompting a user for a compression scheme to be used to compress the selected tracks, the user then identifying a selected compression scheme from a group of possible compression schemes; compressing the selected tracks using the selected compression scheme; and storing each selected track in a digital content database (figures 20 and 22; column 35 line 15 to column 36 line 10; and

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[1]MPEP Sec. 2142.
[2] Id.
[3]Id. (emphasis supplied)

column 42 line 55 to column 44 line 38); and retrieving tracks from the digital content database (figures 20 and 23; column 36 lines 43-58; and column 44 line 39 to column 45 line 16.

Applicant cannot find, within the figures and text references cited by the Examiner, the steps of: prompting a user for tracks to be compressed, the user then identifying selected tracks; prompting a user for a compression scheme from a group of possible compression schemes; and compressing the selected tracks using the selected compression scheme.

Dye appears to be a non-interactive, hardware embodiment of compression that does not involve interaction with the user to prompt the user for the required information. For example, Fig. 20 does not show any interface to a user, such as a CRT, keyboard, etc. Fig. 22 is only a block diagram of the compression step. At column 43 lines 9-12, the selection of the type of compression is noted as follows:

> The compression mode is preferably determined in response to one or more of: an address range where the data is to be stored; a requesting agent which provides the data; and/or a data type within the data.

A "requesting agent" is not defined and is specifically not defined as being interactive. There is no disclosure of interaction with, that is, prompting a user and receiving a response, as to tracks to be compressed and the compression scheme to be used, within the figures and text sections noted by the Examiner.

The Office Action uses the secondary reference, Compton, as allegedly disclosing: prompting a user for and validating a user name and password (column 3 lines 40-45; and column 6 line 65 to column 7 line 15); transmitting each selected track after compression through a communications link to a central location; storing each selected track in a digital content database at a central location; and at a remote location, retrieving tracks from the digital content database through a communications link to the central location (figures 1-3; and column 3 line 10 to column 5 line 4).

The cited text references do not disclose prompting a user for and validating a user name and password. Column 3 lines 40-45 discusses an "authorizing agent" but the function of this agent is described as "allowing editing and production oversight of digital video information ultimately distributed to an end user." No user prompting is disclosed here.

Column 6 line 65 to column 7 line 15 also do not disclose prompting a user for and validating a user name and password.

Furthermore, Fig. 1 shows no linkage between the end users and the authorizing stations subsystem 26.

As to claim 1, Compton does not teach the claimed steps b), d), and e). Specifically, Compton does all source reading and compression at a central location, not the user's remote location, as claimed. See Compton cols. 3-6 and Figs. 1-3. Particularly note that Fig. 1 shows the "Video Source" 14 as being at a different location (presumably the central location of the central processing system 16) from the end user 28. See col. 3 lines 29-31 ("central processing subsystem"). Also, see Col. 4 lines 21-29, which describe compression being done by subsystem 12, not the user's system, which is remote from central subsystem 12. This is a vital difference, as the claimed invention allows the user to capture and compress selected tracks of digital content using the user's own system, and then transmit the compressed content to a central location. The user is thus the owner of the digital media from which the selected tracks are compressed, not the central location. The user has complete control over which portion of his digital media library that he wishes to transmit to the central location for storage. Furthermore, this process saves communications bandwidth by compressing the tracks before transmission to the central location. This is not disclosed in Compton.
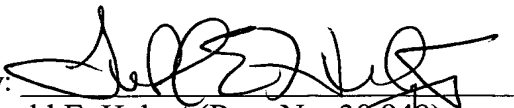
Furthermore, there is no disclosure in Compton of prompting a user for tracks to be compressed, the user then identifying selected tracks. See col. 5 line 29-54, where the request for a digital media file does not include track selection. Also, col. 3 lines 47-61 do not include entering tracks to be compressed.

Claims 1-11 are therefore allowable. As the Office Action rejected claims 12-31 for the same reasons as claims 1-11, claims 12-31 are also allowable.

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For the above reasons, Applicant respectfully requests the allowance of all claims and the issuance of a Notice of Allowance.

Respectfully submitted,

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